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PATENT  
USSN 08/976,294



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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Kenneth R. Westerlage, et al

Serial No.: 08/976,294

Filed: November 21, 1997

Group No.: 2761

Examiner: Edward R. Cosimano

For: *Method and Apparatus for Determining Tax of a Vehicle*

Honorable Assistant Commissioner

of Patents

Washington, D.C. 20231

Dear Sir:

TERMINAL DISCLAIMER TO OBVIATE A DOUBLE  
PATENTING REJECTION (37 C.F.R. § 1.321 (c)) AND  
CERTIFICATE UNDER 37 C.F.R. §3.73 (b)

12/01/1998 AIBRAHIM 00000019 08976294

02 FC:248

55.00 OP

I, Wesley E. Schlenker, Secretary of HighwayMaster Communications, Inc., of 16479 Dallas Parkway, Suite 710, Dallas, Texas 75248, represent that HighwayMaster Communications, Inc. is the assignee and the exclusive owner of the entire right, title and interest of, in and to application Serial No. 09/976,294 filed on November 21, 1997, for *Method and Apparatus for Determining Tax of a Vehicle*, as indicated by the Assignment Records of the U.S. Patent and Trademark Office at Reel 7588, Frames 0936-0943; that I have reviewed the evidentiary documents and certify that to the best of assignee's knowledge and belief, title is in the assignee seeking to take action; and that I am empowered to act on behalf of assignee.

HighwayMaster Communications, Inc. hereby disclaims the terminal part of any patent granted on the above-identified application, which would extend beyond the expiration date of U.S. Patent No. 5,694,322 granted December 2, 1997 also assigned to and owned by HighwayMaster Communications, Inc. as indicated by the Assignment Records of the U.S. Patent

and Trademark Office at Reel 7588, Frames 0936-0943, and hereby agree that any patent so granted on the above-identified application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to United States Patent 5,694,322, this agreement to run with any patent granted on the above-identified application and to be binding upon the grantee, its successor or assigns.

Petitioner does not disclaim any terminal part of any patent granted on the above-identified application prior to the expiration of the full statutory term of the above-referenced U.S. Patent No. 5,694,322, in the event that one or more of the following occurs: U.S. Patent No. 5,694,322 expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321(a), has all claims canceled by a reexamination certificate or is otherwise terminated prior to expiration of its statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the Application or any patent issuing thereon.

The fee required by 37 C.F.R. § 1.20(d) is submitted herewith and believed to be correct. However, the Commissioner is hereby authorized to charge any underpayment or credit any overpayment of fees to Deposit Account No. 02-0384 of Baker & Botts, L.L.P.

Respectfully submitted,  
HighwayMaster Communications, Inc.

10-26-98  
Date

Wesley E. Schlenker  
Wesley E. Schlenker, Secretary